

AMENDED IN SENATE APRIL 26, 2004

SENATE BILL

No. 1153

Introduced by Senator Chesbro
(Principal Coauthor: Assembly Member Wiggins)

January 27, 2004

An act to amend ~~Section 4181~~ *Sections 4181 and 13220* of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1153, as amended, Chesbro. Fish and Game: wild turkeys: depredation take permits.

(1) Under existing law, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild pig, or gray squirrels, may apply to the Department of Fish and Game for a permit to kill that animal. The department, upon satisfactory evidence of the damage or destruction, is required to issue a revocable permit for the taking and disposition of the animal.

This bill would also allow any owner or tenant of land or property that is being damaged or destroyed by wild turkeys to apply to the department for a permit to kill those animals.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department ~~and for payment of refunds of sums it determines have been erroneously deposited in the fund and for the payment of all necessary expenses incurred in carrying out the Fish and Game Code and any other laws for the protection and preservation of birds, mammals, reptiles, and fish, and to the Fish and Game Commission to pay all necessary expenses incurred in carrying~~

~~out the Fish and Game Code, and to pay the compensation and expenses of the commissioners and employees of the commission.~~

~~By imposing~~ *This bill would instead, commencing with the 2005–06 fiscal year, make the money in the Fish and Game Preservation Fund available for expenditure by the department and the commission only upon appropriation by the Legislature for those purposes.*

The bill would impose new duties on the department and the commission relating to issuance of permits for killing wild turkeys, and because the Fish and Game Preservation Fund is currently continuously appropriated, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4181 of the Fish and Game Code is
2 amended to read:
3 4181. (a) Except as provided in Section 4181.1, any owner or
4 tenant of land or property that is being damaged or destroyed or is
5 in danger of being damaged or destroyed by elk, bear, beaver, wild
6 pig, wild turkeys, or gray squirrels, may apply to the department
7 for a permit to kill the animals. Subject to the limitations in
8 subdivisions (b) and (d), the department, upon satisfactory
9 evidence of the damage or destruction, actual or immediately
10 threatened, shall issue a revocable permit for the taking and
11 disposition of the animals under regulations adopted by the
12 commission. The permit shall include a statement of the penalties
13 that may be imposed for a violation of the permit conditions.
14 Animals so taken shall not be sold or shipped from the premises
15 on which they are taken except under instructions from the
16 department. No iron-jawed or steel-jawed or any type of
17 metal-jawed trap shall be used to take any bear pursuant to this
18 section. No poison of any type may be used to take any gray
19 squirrel pursuant to this section. The department shall designate
20 the type of trap to be used to ensure the most humane method is
21 used to trap gray squirrels. The department may require trapped
22 squirrels to be released in parks or other nonagricultural areas. It
23 is unlawful for any person to violate the terms of any permit issued
24 under this section.

(b) The permit issued for taking bears pursuant to subdivision (a) shall contain the following facts:

(1) Why the issuance of the permit was necessary.

(2) What efforts were made to solve the problem without killing the bears.

(3) What corrective actions should be implemented to prevent reoccurrence.

(c) With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs pursuant to subdivision (b) of Section 4181.1 with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing periodic access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses.

(d) With respect to elk, the following procedures shall apply:

(1) Prior to issuing a depredation permit pursuant to subdivision (a), the department shall do all of the following:

(A) Verify the actual or immediately threatened damage or destruction.

(B) Provide a written summary of corrective measures necessary to immediately alleviate the problem.

(C) Determine the viability of the local herd, and determine the minimum population level needed to maintain the herd.

(D) Ensure the permit will not reduce the local herd below the minimum.

(E) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd.

(2) After completing the statewide elk management plan pursuant to Section 3952, the department shall use the information and methods contained in the plan to meet the requirements of subparagraphs (C), (D), and (E) of paragraph (1).

SEC. 2. Section 13220 of the Fish and Game Code is amended to read:

13220. Except as provided in Section 13230, the money in the Fish and Game Preservation Fund, *commencing with the 2005–06*

1 *fiscal year, is appropriated as follows available for expenditure,*
2 *upon appropriation by the Legislature, for all of the following*
3 *purposes:*

4 (a) To the department for payment of refunds of sums
5 determined by it to have been erroneously deposited in the fund,
6 including, but not limited to, money received or collected in
7 payment of fees, licenses, permits, taxes, fines, forfeitures, or
8 services.

9 (b) To the department for expenditure in accordance with law
10 for the payment of all necessary expenses incurred in carrying out
11 this code and any other laws for the protection and preservation of
12 birds, mammals, reptiles, and fish.

13 (c) To the commission for expenditure in accordance with law
14 for the payment of the compensation and expenses of the
15 commissioners and employees of the commission.

